

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI**

SUZANNE STEINBACH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO.: 2:19-cv-04176-NKL
	)	
MAXION WHEELS SEDALIA LLC,	)	
	)	
Defendant.	)	

**MEMO ON PRETRIAL CONFERENCE**

Plaintiff Suzanne Steinbach and Defendant Maxion Wheels Sedalia LLC hereby submit this Memo on Pretrial Conference:

**I. Pretrial Conference Setting**

Pursuant to Fed. R. Civ. P. 16, an initial pretrial conference will be held in the above-captioned matter on September 3, 2020, at 11:00 a.m.

**II. Counsel**

The following counsel will appear at the pretrial conference and will try the case:

**A. For Plaintiff:**

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**B. For Defendant:**

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**III. Statement of the Case**

The parties agree upon the following background statement for presentation to the jury pool at voir dire:

Plaintiff Suzanne Steinbach was formerly a resident of Sedalia, Missouri and was employed by Defendant Maxion Wheels Sedalia, LLC. Defendant Maxion Wheels maintains its manufacturing facility in Sedalia, Missouri where it manufactures and supplies Original Equipment Manufacturers or “OEMs” with both steel and aluminum wheels. Plaintiff claims that Defendant retaliated against her for filing a charge of discrimination with the Missouri Commission on Human Rights and the Equal Employment Opportunity Commission. Defendant denies Plaintiff’s claims and contends that its decisions regarding Plaintiff’s employment were made for legitimate business reasons.

**IV. Stipulation of Facts**

The parties stipulate to the following facts:

1. Plaintiff Suzanne Steinbach is a female who formerly lived in Sedalia, Missouri. When she filed her complaint in this matter, Plaintiff was a citizen of Illinois, and she is currently a resident of Illinois.

2. Defendant Maxion Wheels Sedalia, LLC is a Delaware limited liability company. Defendant is a single member LLC. Maxion Wheels USA LLC is that member and is likewise a single member, Delaware limited liability company. Maxion Wheels Inc. is the single member of Maxion Wheels USA LLC and is a Delaware corporation with its principal place of business in Novi, Michigan.

3. The parties agree that this Court has subject matter jurisdiction over this matter under 28 U.S.C. § 1332.

4. On October 25, 2018, Plaintiff filed a charge of discrimination with the Missouri Commission on Human Rights and the Equal Employment Opportunity Commission alleging that Defendant retaliated against her for filing her February 2, 2018 charge of discrimination.

5. Plaintiff's October 25, 2018 charge of discrimination was timely filed and exhausted her administrative remedies as to her claim in this case that Defendant retaliated against her for filing her February 2, 2018 charge of discrimination.

## **V. Exhibits**

### **A. Plaintiff's Exhibit List**

<b>Ex. No.</b>	<b>Description</b>	<b>Bates Nos.</b>	<b>Objections</b>	<b>Cat.</b>	<b>Off'd</b>	<b>Adm.</b>
500	Employee Handbook	MW 000823-825		A		
501	Suzie's text to Theresa about Mark Balch	MW 001772-1780		C – 402, 403, 802		
502	End of shift production report	MW 000165-166		B - 402		
503	Graph of repair work	MW 001059-1062		B		

<b>Ex. No.</b>	<b>Description</b>	<b>Bates Nos.</b>	<b>Objections</b>	<b>Cat.</b>	<b>Off'd</b>	<b>Adm.</b>
504	Mids Daily Rework from October 3, 2016 to November 1, 2017 given to Dr. Ellefsen	P0665-670		B - 402		
505	All Purpose Change Form - Operations, showing Suzie moved to afternoon shift	MW 000243		A		
506	Rework activity report	MW 001063-1068		C – 402, incomplete		
507	Steinbach deposition pp. 137-138			C – 402, FRCP 32		
508	Manning Sheets	MW 001792-1832		A		
509	Downtime by line report	MW 001723-1752		B – 402, 403		
510	Employee Classification Profile - Rework Coordinator - Matthew Diederich	MW 001693-1733		A		
511	Employee Classification Profile with no name - Rework (?)	MW 000633-642		C - incomplete		
512	Employee Classification Profile - Rework Coordinator - Suzanne Steinbach	MW 000093-118		C - incomplete		
513	Employee Classification Profile - Manufacturing Attendant - Suzanne Steinbach	MW 000055-69		B – 402, 403		
514	Employee Classification Profile - Manufacturing Attendant - Suzanne Steinbach	MW 000012-13		B – 402, 403		
515	Employee Classification Profile - Manufacturing Controller - Suzanne Steinbach	MW 000070-87		B – 402, 403		
516	Employee Classification Profile - Rework Coordinator - Suzanne Steinbach	MW 000088-92		B – 402, 403		
517	Emails, Dixon and Wessing re Suzanne's job description and physical demands	MW 000603-616		B – 402, 403		

Ex. No.	Description	Bates Nos.	Objections	Cat.	Off'd	Adm.
518	Training Matrix	MW 001680-1692		B – 402, 403		
519	Email Dixon to Thomas, Angle re Suzanne Steinbach and her condition, staying off work, etc.	MW 001676		B – 402, 403		
520	Email Dixon to Thomas, Angle re Suzanne Steinbach and her condition, staying off work, etc.	MW 001770		C- HEARSAY		
521	Petition in Pettis County Court, Case 19PT-CC00089			B – 402, 403, 802		
522	Answer - federal court 2:19-CV-04176-NKL			B – 402, 403, 802		
523	Email Dixon, Angle, Patton, Thomas about 0.5 points left before termination; get warning letter ready	MW 001767		C - incomplete		
524	Email from Dixon re Suzie's last approved leave day	MW 001771		B – 402, 403		
525	Email about Suzie's points at 8.5	MW 001768-1769		C - incomplete		
526	Second Amended Notice of Deposition of Designated Representative of Defendant			B – 402, 403, 802		
527	Sexual Harassment Training for Supervisors	MW 001835-1871		A		
528	MW Employee Handbook	MW 000818-858		A		
529	Patton email re HR Forum/Training	MW 001830		A		
530	Employee Classification Profile - Rework Coordinator - Suzanne Steinbach	MW 000088-120		B – 402, 403		
531	MW Lines Running June 2018			B – 402, 403		
532	FMLA paperwork from Dr. Ellefsen and emails	MW 000665-667, 001676,		C-MIL#3, contains		

Ex. No.	Description	Bates Nos.	Objections	Cat.	Off'd	Adm.
	between Dixon and Wessing, emails between Dixon and Sandra Ellefsen	000693, 702-703, 707-709		multiple documents		
533	Standard Operators Instructions re spear gun	MW 001789-1791		B – 402, 403		
534	List of employees in finishing department			B – 402, 403		
535	Position Qualification Matrix (letter size)	MW 001680-1692		B – 402, 403		
535-A	Position Qualification Matrix (legal size)	MW 001680-1692		B – 402, 403		
536	June 2018 Rework by 3rd shift	MW 001833		B – 402, 403		
537	Defendant's Responses to Plaintiff's First Interrogatories			C – 402, 403, incomplete w/out supp. resp.		
538	Standard Operator Instructions	MW 000871-877		B – 402, 403		
539	Daily reports relating to the spear gun or conveyor (first case)	MW 001506, 1531, 1571		B – 402, 403		
540	Manning Sheets for MIDS production	MW 001482-1603		B – 402, 403		
541	One page from Suzie's Employee Classification Profile showing spearing task on other jobs, not on rework coordinator	MW 000117		C – 402, 403, incomplete		
542	Rework coordinator job posting	MW 000986		B – 402, 403		
543	Picture of a posted safety guide describing spiders/rims breaks	P1058		C – 402, 403, 901		
544	Interrogatory answers from state case			B – 402, 403		
545	Email from Dixon to Thomas, Angle, Patton, Westerdale re Suzie's FMLA paperwork	MW 000383		B – 402, 403		
546	Dixon and Angle emails re Suzie being taken off work	MW 001756		B – 402, 403		
547	Property Pass Forms	P1278-1284		B – 402, 403		

Ex. No.	Description	Bates Nos.	Objections	Cat.	Off'd	Adm.
548	Email from Dr. Ellefsen's assistant Whitney Wessing	P1253		C - MIL#3		
549	Formal letter from Dr. Ellefsen stating that it was not work related	P1255		C - MIL#3		
550	Turnstyle report	MW 000274-280		B – 402, 403		
551	Note from Dr. Ellefsen re Suzie off until 6-26-18	MW 001678		B – 402, 403		
552	Email Dixon to Suzie re thank you for your doctor's note	MW 001677		B – 402, 403		
553	Email Dixon to Suzie re I tried calling you	MW 001679		B – 402, 403		
554	Dixon to Suzie re a doctor's note is needed	P1473		B – 402, 403		
555	Drawing of S14-S15 general locations and layout			C - 901		
556	Email from Jeffries to Patton re Suzie's revealing top	MW 000159		C-MIL#7		
557	Texts between Patton and Suzie	P0314-321		B – 402, 403		
558	Angle to Patton re rework info in September 2017	MW 001616		B – 402, 403		
559	Handwritten list of witnesses in the Balch investigation	MXION WHEELS 001004		B – 402, 403		
560	Operations Staffing shows two welders on afternoons	MW 001607-1608		B – 402, 403		
561	Maxion responses to 1st RFPD			B – 402, 403		
562	Standards of Conduct Procedure	MW 000859-862		B – 402, 403		
563	Statement from Oswald re Suzanne Steinbach and Mark Balch	MW 001003		C – 402, 403, 802		
564	Satement from Robert Smith re Balch	MW 001007		C – 402, 403, 802		
565	Steinbach October time card	MW 000309		B – 402, 403		

Ex. No.	Description	Bates Nos.	Objections	Cat.	Off'd	Adm.
566	Petition in Pettis County Court, Case 18PT-CC00253			C MIL#5, 402, 403		
567	Answer in Pettis County Court, Case 18PT-CC00253			C MIL#5, 402, 403		
568	Britta Rook statement	MW 001009		C – 402, 403, 802		
569	Exit Test Job Disqualification (non-medical)	MW 000942-943		B – 402, 403		
570	Dixon email re Suzie approved for FMLA, off work through 4-25-18	MW 001760		C MIL#4		
571	Afternoon shift to midnights and days passdown sent to MIDS	MW 001872-1896		B – 402, 403		
572	Defendant's Supplemental Response to Plaintiff's Interrogatory No.2			A		
573	Defendant's Responses to Plaintiff's First Request for Production			B – 402, 403		
574	Thomas to "team" re days out of plant and who will be in charge while he is out	MW 001897		B – 402, 403		
575	Man Power	MW 001606-1620		B – 402, 403, contains multiple documents		
576	Suzie's text to Ralph re issue with left foot, not coming into work.			B – 402, 403		
577	Suzie's text to Theresa re she's supposed to be on fluff and buff			B – 402, 403		
578	Steinbach Performance Review	P0129-130		A		
579	Steinbach MCHR Charge of Discrimination	P0010-15		B – 402, 403		
580	Defendant's Position Statement to MCHR	P0042-52		B – 402, 403		
581	Picking Ticket for gloves	MW 001664		B – 402, 403		



Ex. No.	Description	Bates Nos.	Objections	Cat.	Off'd	Adm.
582	Several emails re changes to manpower	MW 001606-1620		B- 402, 403, contains multiple documents		
583	Thomas, Angle, Sherman emails re Suzie's statement re dental work	MW 000352-356		C MIL#3, 402, 403		
584	8D Report re incident	P0133		C MIL#3		
585	Statements from employees re Mark Balch	MW 001003-1009		B - 402, 403, 802		
586	Beck Job History	P0079		B - 402, 403		
587	Aric Belzer Job History	P0078		B - 402, 403		
588	Emails re manpower moves Monday 10/30	MW 001619-1620		B - 402, 403		
589	Defendant's Responses to Plaintiff's First Request for Production			B - 402, 403		
590	Defendant's Responses to Plaintiff's First Interrogatories			B - 402, 403		
591	Change form - demoted to rework effective 10/3/16	MW 000171		B - 402, 403		
592	Clicker and tally sheets	P1081-1083		C - 402, 403, 901		
593	Controller Exit Test August 2016	MW 000161-162		B - 402, 403		
594	Controller Exit Test July 2016	MW 000154-155		B - 402, 403		
595	Jeffries to Patton re Suzie moving to Afts	MW 000159		B - 402, 403		
596	Emails re layoffs	MW 001606-1613		B - 402, 403		
597	Emails re manpower changes in October 2017	MW 001614-1620		A		
598	Westerdale email re Belzer moving to afts.	MW 000979		B - 402, 403		
599	Emails about conference call with Dr. Ellefsen	MW 000603-606		C MIL#3		

Ex. No.	Description	Bates Nos.	Objections	Cat.	Off'd	Adm.
600	Email from Patton re Suzie's dad	P0671		C MIL#3		
601	Email from Angle re Suzie's exit test	MW 000164-170		B – 402, 403		
602	Inventory List showing gloves	MW 001668		C - incomplete		
603	Invoice showing gloves	MW 001664		B – 402, 403		
604	Photos of Locker	P0984-987		C – 402, 403, 901		
605	Manning sheets showing spiders-rims assignment	P1144-1148		B – 402, 403		
606	Suzie's Performance Review May 9 to July 2016	P1161-1163		A		
607	Suzie's Pay Raise on 8/6/16	MW 000160		A		
608	Rework from November 2017	MW 001131, 1168-1171, 1226-1229, 1270, 1339-1343, 1443-1447		C – 402, 403, incomplete		
609	Rework from September 2017	MW 001129-30, 001166, 001218-1222, 1267-1268, 1332-1335, 1435-1438		C – 402, 403, incomplete		
610	Westerdale email re Manpower hires and moves	MW 0001615		B – 402, 403		
611	Kenny Angle to Theresa Patton re rework info	MW 001616		B – 402, 403		
612	Westerdale email re Monday Manpower moves	MW 001617		B – 402, 403		
613	Westerdale email re Manpower moves	MW 001618		B – 402, 403		
614	Rework from September 2017	MW 001129-30, 001166, 001218-1222, 1267-1268, 1332-1335, 1435-1438		A		

Ex. No.	Description	Bates Nos.	Objections	Cat.	Off'd	Adm.
615	Westerdaly email re Manpower Moves 10/30	MW 001620		B – 402, 403		
616	Handwritten note of incident with tooth	MW 000354		C MIL#3, 402, 403		
617	Note re Dixon called for appointment for Suzie for evaluation of right hand, has a second job/hobby	P0664		C MIL#3, 402, 403, 901		
618	Patton email re conversation re her dad and welding	P0671		B – 402, 403		
619	Estes hire form	MAXION ESTES 000032		B – 402, 403		
620	Mike Lewis Counseling Documentation	MW 000993		B – 402, 403		
621	Estes Exit Test	MAXION ESTES 000101-102		B – 402, 403		
622	Kayla email re exit test retest	MW 000163		B – 402, 403		
623	Flux welder receipt	P1642-1643		C – 402, 403, 901		
624	Estes Exit Test	MAXION ESTES 000131-1132		B – 402, 403		
625	Spider Hanger exit test record	MW 000184-185		B – 402, 403		
626	Kayla email re Gennetten hired for August 28	MW 000959		B – 402, 403		
627	Suzie self evaluation	MW 000191-192		B – 402, 403		
628	Balch Counseling Documentation	MW 001010		B – 402, 403		
629	Controller job posting 3 positions	MW 000945-947		B – 402, 403		
630	Multiple applications for controller	MW 000987-988		B – 402, 403		
631	X-ray reports on shoulder and hand	P0706-707		C MIL#3, 402, 403, 901		
632	Suzie's return to work as of 10/9/17	MW 000358		B – 402, 403		

<b>Ex. No.</b>	<b>Description</b>	<b>Bates Nos.</b>	<b>Objections</b>	<b>Cat.</b>	<b>Off'd</b>	<b>Adm.</b>
633	Kayla re Gennetten bid for controller	MW 001053		B – 402, 403		
634	Balch Leaving Notice gross misconduct	MW 001011		B – 402, 403		
635	Spider Rims Log	P1035		C- – 402, 403, 901		
636	List of terminated employees including Lewis	MW 001663		B – 402, 403		
637	FB message with Dave spiders and rims all night	P0376		C – 402, 403, 901		
638	Gennetten promotion	MW 001053		B – 402, 403		
639	Urgent Care FMLA form	MW 000359-361		B – 402, 403		
640	FB message with Dave - Even helping the inspectors	P0368		C – 402, 403, 901		
641	Dixon email re Suzie off another 8 weeks, STD extension pending	MW 001763		C MIL#4		
642	Controller job posting 3 positions	MW 948-950		B – 402, 403		
643	Thomas Beck timesheet	MW 001054		B – 402, 403		
644	Airc Belzer job application rework	MW 000985		B – 402, 403		
645	Kayla email re Airc Belzer start 11/27	MW 000976		B – 402, 403		
646	Controller job posting	MW 000951-953		B – 402, 403		
647	Dr. Ellefsen note	MW 000389-390		C MIL#3		
648	Spearing Demonstration 1	MW 001753		C – 402, 403, 901		
649	Emails about Suzie's points	MADXION WHEELS 000385-386		B – 402, 403		
650	Suzie's return to work as of 12/11/17	MW 000388, 384		B – 402, 403		
651	Return to work with restrictions	MW 000391		B – 402, 403		

<b>Ex. No.</b>	<b>Description</b>	<b>Bates Nos.</b>	<b>Objections</b>	<b>Cat.</b>	<b>Off'd</b>	<b>Adm.</b>
652	Email chain including Byron Neal email	MW 000601-602		C MIL#3		
653	Thomas Handwritten 8D notes	MW 000648		C MIL#3, 402, 403, 901		
654	Emails re injury not work related	MW 000617-618		C MIL#3		
655	Handwritten note from Heidi re FMLA paperwork	MW 000619		C MIL#3		
656	FMLA certification from Urgent Care	MW 000620-623		C MIL#3		
657	FMLA approval from Maxion	MW 000624-625		C MIL#3		
658	Spearing Demonstration 2	MW 001754		C- 402, 403, 901		
659	Rework Demonstration	MW 001755		C- 402, 403, 901		
660	Voicemail notification from Dr. Ellefsen	MW 000663		C MIL#3, 402, 403		
661	Voicemail notification from Dr. Ellefsen	MW 000664		C MIL#3, 402, 403		
662	Property Pass for Metal	MW 000817		C MIL#3		
663	Thomas Beck exit test - not considered the first	MW 000967-968		B - 402, 403		
664	Emails about Suzie FMLA	MW 001758-1759		B - 402, 403		
665	Termination of Landon Estes	MAXION ESTES 000163		B - 402, 403		
666	FB messages with Antonia	P0345-348		C - 402, 403, 901		
667	Operative Report - hands	P0568-570		B - 402, 403		
668	Gennetten controller exit test	MW 000960-961		B - 402, 403		
669	MCHR Position Statement with all exhibits	MW 001012-1058		B - 402, 403		
670	Operative Report - left foot	P0727-0728		B - 402, 403		

<b>Ex. No.</b>	<b>Description</b>	<b>Bates Nos.</b>	<b>Objections</b>	<b>Cat.</b>	<b>Off'd</b>	<b>Adm.</b>
671	Thomas Beck exit test	MW 000969-970		B – 402, 403		
672	Dr. Ellefsen return to work no restrictions with sticky note	MW 000673		B – 402, 403		
673	Dixon email Suzie will return to work today	MW 001766		B – 402, 403		
674	Emails about points and job duties	MW 001767-1769		B – 402, 403		
675	Dr. Ellefsen voicemail	MW 001665-FMLA		C MIL#3, 402, 403, 901		
676	Emails about absences	MW 000675-676		B – 402, 403		
677	Email about follow up appointment	MW 000678		B – 402, 403		
678	Email from Heidi re leave	MW 001771		B – 402, 403		
679	Dr. Ellefsen voicemail	MW 001666-FMLA		C MIL#3, 402, 403, 901		
680	Email re STD extension	MW 000681		C MIL#4		
681	Email re STD extension approval	MW 000682		C MIL#4		
682	Email re STD benefit ends August 8	MW 000683		C MIL#4		
683	Email with end of STD letter	MW 000684-688		C MIL#4, 402, 403		
684	Email from Heidi - at airport	MW 000696-697		C MIL#4		
685	Email from Suzie with Dr Ryan letter	MW 000691-693		C MIL#3		
686	Emails about reasonable accommodation	MW 000694-695		C MIL#3, 402, 403		
687	Email from Heidi describing risk	MW 000699-701		C MIL#3, 402, 403		
688	Email needing Dr. Ryan statement	MW 000710-712		C MIL#3		
689	Emails about appointment rescheduled	MW 000716-719		B – 402, 403		

<b>Ex. No.</b>	<b>Description</b>	<b>Bates Nos.</b>	<b>Objections</b>	<b>Cat.</b>	<b>Off'd</b>	<b>Adm.</b>
690	Emails forwarded to Randy Coffey	MW 000720-723		B – 402, 403		
691	Email re ineligible for rehire	MW 000249		B – 402, 403		
692	Email from Theresa re locker	P0504-506		B – 402, 403		
693	Unemployment determination - denied for misconduct	P0915		C MIL#3, 402, 403, 901, R.S.Mo. § 288.215		
694	Downtime by line report (first page of Exh. 509 - demonstrative)			C – 402, 403, 901		
695	End of shift production report	MW 00500-5096		B – 402, 403		
696	Instructions for Hanging Disc	MW 000886-888		B – 402, 403		
697	Instructions for Rim Racking	MW 000881-885		B – 402, 403		
698	Inventory including gloves	MW 0001621-1626		B – 402, 403		
699	Narratives including emails	MW 001898-2048		B – 402, 403, contains multiple documents		
700	Natural Work Team Leader - Finishing Posting	P2220-2222		C – 402, 403, 901		
701	Picture of Grinder	P1085		C – 402, 403, 901		
702	Picture with jeans - not produced			C – 402, 403, 901		
703	Record Retention Matrix	MW 000889-901		B – 402, 403		
704	Rework figures with color graphs	MW 001122-1481		B – 402, 403		
705	Suzie picture welding	P2207		C – 402, 403, 901		
706	Suzie texts with Bobby	P0322-335		C – 402, 403, 901		
707	Suzie texts with Theresa	MW 001772-1788		C – 402, 403, 901		

<b>Ex. No.</b>	<b>Description</b>	<b>Bates Nos.</b>	<b>Objections</b>	<b>Cat.</b>	<b>Off'd</b>	<b>Adm.</b>
708	Suzie texts with Theresa	P0311-321		C – 402, 403, 901		
709	Voicemail to Theresa from Karey	MW 001667		C – HEARSAY, 402, 403, 802, 901		
710	Picture of Welding Box			C – 402, 403, 901		
711	Picture of Welding Box			C – 402, 403, 901		
712	Picture of Welding Box			C – 402, 403, 901		
	ANY EXHIBIT ON DEFENDANT'S EXHIBIT LIST					
	DEMONSTRATIVE EXHIBITS - CALENDARS, CHARTS, etc.					
	EXHIBITS NECESSARY TO REBUT OR IMPEACH UNANTICIPATED TESTIMONY					
<b>Ex. No.</b>	<b>Description</b>	<b>Bates Nos.</b>	<b>Obj.</b>	<b>Cat.</b>	<b>Off'd</b>	<b>Adm.</b>
1001	Patton to Steinbach re termination and SDL	MW 000247-248		A		
1002a	FMLA Certification	MW 000360-366		A		
1002b	FMLA Certification	MW 000379-380		A		
1002c	FMLA Request	MW 000377-378		A		
1002d	FMLA Notice	MW 000374-375		A		
1002e	FMLA Certification	MW 000666-667		A		
1002f	FMLA Notice	MW 000669-672		A		



<b>Ex. No.</b>	<b>Description</b>	<b>Bates Nos.</b>	<b>Objections</b>	<b>Cat.</b>	<b>Off'd</b>	<b>Adm.</b>
1003a	Doctor note	MW 000389-390		A		
1003b	Doctor note	P0562-563		A		
1003c	Doctor note	MW 0661		A		
1003d	Doctor note	P0564-565		A		
1003e	Doctor letter	MW 000668		A		
1003f	Doctor note	P0566		A		
1003g	Operative Report, hand surgery	P0568-570		A		
1003h	Doctor note	P0567		A		
1003i	Doctor note	P0625		A		
1003j	Operative Report, foot surgery	P0549-550		A		
1003k	Doctor note	P0626		A		
1003l	Doctor note	P0540		A		
1003m	Doctor note	P0533		A		
1003n	Doctor letter	MW 000674		A		
1003o	Doctor note	P0526		A		
1003p	Doctor letter	P0492-493		A		
1003q	Doctor note	P0527		A		
1003r	Doctor note - no restrictions	P0680		A		
1003s	Doctor note	P0631		A		
1003t	Doctor letter	MW 000693		A		

<b>Ex. No.</b>	<b>Description</b>	<b>Bates Nos.</b>	<b>Objections</b>	<b>Cat.</b>	<b>Off'd</b>	<b>Adm.</b>
1003u	Doctor note	P0516		A		
1003v	Doctor note	P0515		A		
1003w	Doctor note	MW 000752		A		
1004a	Urgent Care - no restrictions	MW 000358		A		
1004b	Urgent Care - no restrictions	MW 000384		A		
1004c	Urgent Care - no restrictions	MW 000391		A		
1004d	Doctor note - no restrictions	MW 000662		A		
1004e	Doctor note - no restrictions	MW 000674		A		
1004f	Doctor letter	MW 000698		A		
1004g	Dr. Ryan letter	MW 000732		A		
1005				?		
1006				?		
1007				?		
1008	Physical Therapy Records	SSA 000270-280, 266-269		A		
1009	Plaintiff's Answers to Interrogatories			A		
1010	Change from Controller to Rework Coordinator	MW 000171		A		
1011	Text messages between Suzanne and David Steinbach	P396		A		
1012	Employee Classification Profile for Rework Coordinator	MW 000088-120		A		
1013	Spider Hanger Exit Test	MW 000184-185		A		

<b>Ex. No.</b>	<b>Description</b>	<b>Bates Nos.</b>	<b>Objections</b>	<b>Cat.</b>	<b>Off'd</b>	<b>Adm.</b>
1014	SSA Work Activity Report	SSA 000093-102		A		
1015	SSA Disability Determination and Explanation	SSA 000003-11		A		
1016	Bothwell Regional Medical Center Records	SSA 000156-164		A		
1017	Missouri Unemployment Determination	P0915		C - 402, 403, 901, R.S.Mo. § 288.215		
1018	Suzi's written statement re Mark Belch	MW 000999-1002		B – 402, 403		
1019	Text messages between Suzanne and David Steinbach	P1682-1685		A		
1020	Maxion Employment Policies	MW 000823-825		A		
1021	Receipt for Employee Handbook and Code of Ethics	MW 000128-129		A		

## B. Defendant's Exhibit List

Ex No.	Defendant(s) Exhibits	Objections	Category A, B, C	Offered	Admitted (A), or Not Admitted (NA)
1.	Flexible Staffing Temp Agency Documents MAXION WHEELS <a href="#">000001-000011</a>		A		
2.	Steinbach Application for Employment MAXION WHEELS <a href="#">000014-000017</a>		A		
3.	Orientation 2016 MAXION WHEELS <a href="#">001627-001662</a>		A		
4.	Steinbach Performance Evaluation 2016 - 2017 P0129-P0130 ( <a href="#">Depo Ex 578</a> )		A		
5.	Facebook Message on 10/19/17 between Plaintiff and David Steinbach P1682-P1685 ( <a href="#">Depo Ex 19</a> )	MIL1,3	C		
6.	Job Posting Rework Coordinator 10/2017		A		
7.	Job Posting Manufacturing Controller 10/5/17 MAXION WHEELS 0000945-947	402, 403	B		
8.	Email from Westerdale to Angle and Patton with bids MAXION WHEELS 000980, 000987-988	402, 403	B		
9.	Job Posting Manufacturing Controller 10/25/17 MAXION WHEELS 0000948-950	402, 403	B		
10.	Job Opportunity Posting 11/8/17 MAXION WHEELS 000985	402, 403	B		
11.	Email from Westerdale to Patton and Dixon MAXION WHEELS 000976	402, 403	B		
12.	Job Posting Manufacturing Controller 12/8/17 MAXION WHEELS MAXION WHEELS 000951-953	402, 403	B		
13.	Job Opportunity Posting 12/11/17 MAXION WHEELS 000981	402, 403	B		
14.	Manpower Emails 9/27/16-11/21/17 MAXION WHEELS <a href="#">001606-001620</a> ; <a href="#">000979</a>	402, 403	B		
15.	Manpower Email 9/27/16 MAXION WHEELS 001606-1608	402, 403	B		
16.	Manpower Email 9/29/16 MAXION WHEELS 001609-161	402, 403	B		
17.	Manpower Email 10/11/16 MAXION WHEELS 001612-1613	402, 403	B		
18.	Manpower Email 8/31/17 MAXION WHEELS 001614	402, 403	B		
19.	Manpower Email 10/13/17 MAXION WHEELS 001615	402, 403	B		

Ex No.	Defendant(s) Exhibits	Objections	Category A, B, C	Offered	Admitted (A), or Not Admitted (NA)
20.	Email Re Rework Info 10/17/17 MAXION WHEELS 001616	402, 403	B		
21.	Manpower Email 10/20/17 MAXION WHEELS 001617	402, 403	B		
22.	Manpower Email 10/25/17 MAXION WHEELS 001618	402, 403	B		
23.	Manpower Email 10/27/17 MAXION WHEELS 001619	402, 403	B		
24.	Manpower Email 10/27/17 MAXION WHEELS 001620	402, 403	B		
25.	Manpower Email 11/21/17 MAXION WHEELS 000979	402, 403	B		
26.	Emails from 12/5/17-12/18/17 re Steinbach FMLA, Medical Visits, RTW, and Restrictions ( <a href="#">December Emails</a> )	402, 802	C		
27.	Email to Dr. Ellefsen from Maxion with ECP for Rework Coordinator's physical Requirements dated 12/14/17 MAXION WHEELS 000603-000616 ( <a href="#">Depo Ex 517</a> )	402, 403	B		
28.	Letter from Dr. Ellefsen dated 12/19/2017 - Not work related MAXION WHEELS <a href="#">000627</a>	MIL3, 402, 403	C		
29.	FMLA Documents October 2017 MAXION WHEELS 000360-000366 (part of <a href="#">Depo Ex 2</a> )	402, 403	B		
30.	FMLA Documents December 2017 MAXION WHEELS 000374-000380 (part of Depo Ex 2)	402, 403	B		
31.	FMLA Documents January 2018 MAXION WHEELS 000666-000672 (part of <a href="#">Depo Ex 2</a> )		A		
32.	RTW Notes dated 10/5/17 MAXION WHEELS 000358	402, 403	B		
33.	RTW Note dated 12/5/17 MAXION WHEELS 000384		A		
34.	RTW Note dated 12/12/17, MAXION WHEELS 000391		A		
35.	RTW Note dated 12/27/17 MAXION WHEELS 000662		A		
36.	RTW Note 6/6/18 MAXION WHEELS 000674		A		
37.	Work Status Notes to Remain Off Work dated 1/31/18; 6/26/18; 7/11/18; 8/28/18 (Work Status Notes)		A		

Ex No.	Defendant(s) Exhibits	Objections	Category A, B, C	Offered	Admitted (A), or Not Admitted (NA)
38.	Medical Records for Plaintiff from Dr. Ellefsen for dates of service: 12/12/17; 12/13/17; 12/27/17; 1/10/18; 1/31/18; 2/20/18; 3/1/18; 3/13/18; 4/3/18; 4/19/18; 4/25/18; 5/9/18; 6/5/18; 6/19/18; 6/27/18; 8/1/18; 8/9/18 (part of <a href="#">Depo Ex 3</a> )	MIL3,4, 402, 403	C		
39.	Medical Records for Plaintiff from Dr. Ellefsen for dates of service: 10/9/18; 2/19/19; 8/7/19 (part of <a href="#">Depo Ex 3</a> )	MIL3,4, 402, 403	C		
40.	Physical Therapy Records from SERC, Brandon Fletcher dated 3/16/18; 3/20/18; 4/26/18 MAXION WHEELS 000266-000280 ( <a href="#">Depo Ex 8</a> )	402	C		
41.	Attending Physician Statements from Dr. Ellefsen to The Hartford for 2/6/18; 2/19/18; 3/21/18; 4/23/18; 5/10/18; 6/6/18; 7/25/18; 10/29/18 ( <a href="#">Statements</a> )	MIL4	C		
42.	Records from Social Security Administration including Medical Records for Steinbach from Dr. Ryan for dates of service: 8/27/18; 8/31/18; and 9/7/18 SSA <a href="#">000170-000214</a>	402,403	C		
43.	Emails between Management Employees re Steinbach dated 1/31/18-4/26/18 <a href="#">Emails</a>		A		
44.	Thomas Email re Vacation ( <a href="#">Depo Ex 574</a> )		A		
45.	Email from Dixon to Angle and Woolery on 6/6/18 re Steinbach back to Work MAXION WHEELS <a href="#">001766</a>		A		
46.	Calendar Note on 6/6/18 re Steinbach returning to work early MAXION WHEELS <a href="#">000677</a>	402, 802	C		
47.	Email from Nations to Management Employees on 6/6/18 re Gloves for Steinbach		A		
48.	Picking Ticket for New Gloves purchased for Steinbach on 6/6/18 by Nations ( <a href="#">Depo Ex 581</a> )		A		
49.	June and July 2018 Manning Sheets MAXION WHEELS 001792-001832 ( <a href="#">Depo Ex 508</a> )		A		
50.	June 2018 Downtime Line Report MAXION WHEELS 1723-1752 ( <a href="#">Depo Ex 509</a> )	402	B		
51.	Chart listing each line that was running in June 2018 ( <a href="#">Depo Ex 531</a> )	402	B		
52.	List of Employees in Finishing Department June 2018 ( <a href="#">Depo Ex 534</a> )	402	B		

Ex No.	Defendant(s) Exhibits	Objections	Category A, B, C	Offered	Admitted (A), or Not Admitted (NA)
53.	Rework Report June 2018 MAXION WHEELS 001833 ( <a href="#">Depo Ex 536</a> )	802, 1006	C		
54.	June 2018 PD Emails/Notes re Afts to Mids from Thomas MAXION WHEELS 1872-1896 ( <a href="#">Depo Ex 571</a> )		A		
55.	ECP for Mathew Diederich MAXION WHEELS 001693-001722 ( <a href="#">Depo Ex 510</a> )		A		
56.	Emails Dixon/Management Employees on 6/14/18 re Steinbach call in and Off Work until Eval MAXION WHEELS <a href="#">001767-001769</a>	MIL4	B		
57.	Email Reply from Dixon to Thomas on 6/18/18 re Call in Code for Steinbach MAXION WHEELS <a href="#">000675-000676</a>	802	C		
58.	Email from Dixon to Management Employees on 6/18/18 re Follow-up call with Steinbach MAXION WHEELS 001770 ( <a href="#">Depo Ex 520</a> )	802	C		
59.	Email from Dixon to Management Employees on 6/19/18 re Steinbach off work – extending STD, with Ellefsen Note attached MAXION WHEELS <a href="#">000678-000679 (Redacted)</a>		B		
60.	Email Dixon/Steinbach on 6/20/18 and 6/21/18 re scheduled follow-up with Dr. Ellefsen and attached Note 6/26/18 MAXION WHEELS <a href="#">001677-001679</a>		B		
61.	Email Dixon/Patton on 6/26/18 re Steinbach extension of STD MAXION WHEELS 001771 ( <a href="#">Depo Ex 524</a> )		B		
62.	Email from Dixon to Management Employees on 6/28/18 re Steinbach off until 7/11/18 and extension of STD MAXION WHEELS <a href="#">000681</a>	MIL4	C		
63.	Dr. Ellefsen Note for Steinbach to remain off work until 7/11/18 MAXION WHEELS <a href="#">000680</a>		A		
64.	Email from Dixon to Management Employees on 7/25/18 re an extension of STD for Steinbach and removal of attendance points MAXION WHEELS <a href="#">000682</a>	MIL4	C		
65.	Email from Dixon to Management Employees on 7/27/18 re Steinbach's STD ending on 8/8/18 MAXION WHEELS <a href="#">000683</a>	MIL4	C		
66.	Letter from Dixon to Steinbach on 8/3/18 to provide follow-up information from her doctor on her RTW Status MAXION WHEELS P0107 ( <a href="#">Depo Ex 554</a> )		B		

Ex No.	Defendant(s) Exhibits	Objections	Category A, B, C	Offered	Admitted (A), or Not Admitted (NA)
67.	Email from Steinbach to Dixon on 8/9/18 forwarding Dr. Ellefsen's Letter referring Steinbach to Dr. Ryan MAXION WHEELS <a href="#">000691-000693</a>	MIL3	C		
68.	Email Dixon/Ellefsen on 8/9/18 and 8/10/18 re Steinbach's medical condition not related to current LOA MAXION WHEELS <a href="#">000702-000703</a>	MIL3	C		
69.	Email from Dixon to Steinbach on 8/10/18 to follow-up after 8/15/18 appt with Dr. Ryan MAXION WHEELS <a href="#">000704-000706</a>	402	C		
70.	Email Dixon/Ellefsen on 8/13/18 re date of referral to Dr. Ryan MAXION WHEELS <a href="#">000707-000709</a>	402	C		
71.	Email from Dixon to Steinbach on 08/13/18 instructing her to get a letter from Dr. Ryan re her RTW status and restrictions MAXION WHEELS <a href="#">000710-000712</a>	402	C		
72.	Email from Steinbach to Dixon on 08/16/18 and reply re Change of Appt w/ Dr Ryan MAXION WHEELS <a href="#">000716-000719</a>	402	C		
73.	Emails Dixon/Steinbach on 8/28/18 re Dr. Ryan appt MAXION WHEELS <a href="#">000728-000731</a>	402	C		
74.	Letter from Dr. Ryan on 8/28/18 re Steinbach's RTW Status "Unknown at this time" MAXION WHEELS <a href="#">000732</a>	402	C		
75.	Letter from Patton to Steinbach on 8/29/18 Terminating her Employment effective 8/30/18 MAXION WHEELS 000247-000248 ( <a href="#">Depo Ex 1</a> )		A		
76.	LOA History Timeline MAXION WHEELS <a href="#">000297</a>		A		
77.	ECP Rework Coordinator ( <a href="#">Depo Ex 12</a> ) MAXION WHEELS 000088-000120		A		
78.	Employee Handbook 2014 ( <a href="#">Depo Ex 528</a> ) MAXION WHEELS 000818-000858		A		
79.	Employee Handbook signed Acknowledgment MAXION WHEELS 000129 (Part of <a href="#">Depo Ex 21</a> )		A		
80.	Code of Ethics Signed Acknowledgment MAXION WHEELS 000128 (Part of Depo Ex 21)		A		
81.	Maxion EEO, Harassment, and Discrimination Policies MAXION WHEELS 000823-000825 ( <a href="#">Depo Ex 20</a> )		A		



Ex No.	Defendant(s) Exhibits	Objections	Category A, B, C	Offered	Admitted (A), or Not Admitted (NA)
82.	Standards of Conduct Policy MAXION WHEELS <a href="#">000859-000862</a>		A		
83.	Attendance Policy 2013 MAXION WHEELS <a href="#">000868-000870</a>		A		
84.	Attendance Policy 2018 MAXION WHEELS <a href="#">000863-000867</a>		A		
85.	LTD Policy MAXION WHEELS <a href="#">000902-000941</a>		A		
86.	Standard Operating Instructions – Hanging Disks (Spiders) MAXION WHEELS <a href="#">000886-000888</a>		A		
87.	Standard Operating Instructions – Racking and Inspecting Rims MAXION WHEELS <a href="#">000881-000885</a>		A		
88.	Standard Operating Instructions – Spearing MAXION WHEELS 001789-001791 ( <a href="#">Depo Ex 533</a> )		A		
89.	Plaintiff's Answers to Defendant's Interrogatories (State Case) ( <a href="#">Depo Ex 9</a> )	MIL2	C		
90.	SSA – Work Activity Report SSA 000093-000102 ( <a href="#">Depo Ex 14</a> )	MIL4	C		
91.	SSA – Disability Determination Explanation SSA 000003-000011 ( <a href="#">Depo Ex 15</a> )	MIL4	C		
92.	Bothwell Medical Records SSA 000156-000164 ( <a href="#">Depo Ex 16</a> )	402,403	C		
93.	DOL Questionnaire <a href="#">P2119-P2120</a>	402	C		
94.	DOL Unemployment Weekly Questions <a href="#">P2127</a>	402	C		
95.	Hartford Plaintiff Questionnaire <a href="#">P0890-P0893</a>	MIL4	C		
96.	Property Pass Slips MAXION WHEELS 001278-001284 ( <a href="#">Depo Ex 547</a> )	402	C		
97.	Map of Plant		C-UNSEEN		
98.	Plant Photos		C-UNSEEN		
99.	Spearing Video 1 MAXION WHEELS <a href="#">001753</a>		A		
100.	Spearing Video 2 MAXION WHEELS <a href="#">-001754</a>		A		
101.	Rework Demonstration Video MAXION WHEELS <a href="#">001755</a>		A		
102.	Training Matrix <a href="#">Depo Ex 535</a>	402	B		
103.	Charge of Discrimination <a href="#">10/25/18</a>	402, 403	B		
104.	Work Comp Claim <a href="#">11/20/18</a>	MIL3	C		
105.	Work Comp Deposition Transcript <a href="#">9/23/19</a>	MIL3	C		

Ex No.	Defendant(s) Exhibits	Objections	Category A, B, C	Offered	Admitted (A), or Not Admitted (NA)
106.	Court Records for 9/16/18 Domestic Violence Charges against David M. Steinbach (Depo Ex I)	402,403	C		
107.	Protective Order granted 9/26/18 filed by Plaintiff against David M. Steinbach for Domestic Violence (Depo Ex J)	402,403	C		
108.	Termination of Protective Order against David M. Steinbach on 2/15/19 at the request of Plaintiff (Depo Ex K)	402,403	C		
109.	Steinbach Facebook messages with David Steinbach 12/16/16-6/23/18 ( <a href="#">Depo Ex H</a> )	402,403	C		
110.	Steinbach Facebook messages with David Steinbach 12/7/18-3/11/19 ( <a href="#">Depo Ex G</a> )	402,403	C		
111.	Steinbach Facebook messages with David Steinbach 10/27/17-11/27/17 ( <a href="#">Depo Ex F</a> )	402,403	C		
112.	Steinbach Facebook messages with David Steinbach 2/10/17-6/24/18 ( <a href="#">Depo Ex E</a> )	402,403	C		
113.	Steinbach Facebook messages with “Dave Diggler’s 11/11/18-11/12/18 ( <a href="#">Depo Ex D</a> )	402,403	C		
114.	Photo of Welding Project for Sale on Facebook ( <a href="#">Depo Ex L</a> )	402	B-402		
115.	Facebook Marketplace Ad for Welded Heavy Doors December 2017 <a href="#">P418-P419</a>		C-UNSEEN		
116.	5/25/16 Shift Preferences Form MAXION WHEELS <a href="#">000130</a>		A		
117.	Plant Work Instructions – Job Disqualification ( <a href="#">Depo Ex 569</a> ) MAXION WHEELS 000942-000943	402	B-402		
118.	Email from Thomas to Angle and Oswald on 1/5/17 re Plaintiff’s Broken Tooth MAXION WHEELS 000352-000353; 000355 (Part of <a href="#">Depo Ex 583</a> )	MIL3	C		
119.	Thomas EOS Handwritten Notes re Steinbach’s issue with tooth MAXION WHEELS 000354 (Part of Depo Ex 583)	MIL3	C		
120.	Email from Oswald to Thomas on 1/5/17 re Plaintiff’s tooth MAXION WHEELS 000356 (Part of Depo Ex 583)	MIL3	C		
121.	EOS MIDS Production Notes for 9/23/16 re Plaintiff leaving shift for side effects from Dental Work MAXION WHEELS 000357	MIL3	C		
122.	Facebook Message on 3/24/17 between Plaintiff and David Steinbach P0396 ( <a href="#">Depo Ex 11</a> )	402,403	B		

Ex No.	Defendant(s) Exhibits	Objections	Category A, B, C	Offered	Admitted (A), or Not Admitted (NA)
123.	Text Messages between Patton and Steinbach re Hanging Rims and Shift Change <a href="#">P0311-P0321</a>	402,403	B		
124.	10/23/17 Change Form – Move to Afts MAXION WHEELS 000243 ( <a href="#">Depo Ex 505</a> )		A		
125.	11/7/2017 Email to “Mrs Bitch” with Complaint about Balch <a href="#">P0138-P0139</a>	403	C		
126.	February to September 2017 Rework Activity Report MAXION WHEELS <a href="#">001059-001121</a> )	402,403	B		
127.	Rework Report 2016-2018 MAXION WHEELS 001122-001481		A		
128.	MIDS Daily Rework 10/3/16 to 11/1/17 P0665-P0670 ( <a href="#">Depo Ex 504</a> )	402,403	B		
129.	Thomas EOS Narratives 9/14/17; 9/27/17; 10/16/17 ( <a href="#">Depo Ex 539</a> )	402, 403	B		
130.	October to December 2017 Rework Report MAXION WHEELS 001131-001447 ( <a href="#">Depo 608</a> )	402, 403	B		
131.	October 2017 Manning Sheets P1144-P1148 ( <a href="#">Depo Ex 605</a> )	402, 403	B		
132.	September and October 2017 Manning Sheets and Narratives MAXION WHEELS 001482-001603 ( <a href="#">Depo Ex 540</a> )	402, 403	B		
133.	12/13/17 8D Report P0134-P0137 ( <a href="#">Depo Ex 584</a> )	402, 403	B		
134.	Handwritten Statement by Thomas regarding Incident Description MAXION WHEELS 000648	MIL3	C		
135.	Email from Jones to Thomas re Notes taken during meeting with Steinbach to complete 8D Report MAXION WHEELS 000649-000650	MIL3	C		
136.	Email from Thomas to Thomas re Notes taken during meeting with Steinbach to complete 8D Report MAXION WHEELS 000651-000652	MIL3	C		
137.	Handwritten Statement by Tom Church on 12/21/17 MAXION WHEELS 000653-000654	MIL3	C		
138.	Email from McFarland to Management Employees on 12/21/17 re Steinbach’s Request for a copy of her 8D Report MAXION WHEELS 000655-000660	MIL3	C		
139.	Ellefsen Note re Steinbach scheduled exam on 12/12/17 P0664 ( <a href="#">Depo Ex 617</a> )	MIL3	C		
140.	Affidavit and records from Dr. Ellefsen for dates of service 2/19/19 and 8/7/19 ELLEFSEN <a href="#">000001-000004</a>	MIL3, 402, 403	C		

Ex No.	Defendant(s) Exhibits	Objections	Category A, B, C	Offered	Admitted (A), or Not Admitted (NA)
141.	Affidavit for records from Dr. Ellefsen for dates of service 12/12/18-2/19/19 <a href="#">P510</a>	MIL3, 402, 403	C		
142.	Affidavit and records from Dr. Ryan for dates of service 8/27/18; 3/31/18; and 9/7/18 <a href="#">RYAN 000001-000066</a>	MIL4, 402	C		
143.	Plaintiff's Rule 26(a) Disclosures				
144.	Inventory of Welding Gear Issued to S. Steinbach MAXION WHEELS 001621-1626				
145.	Inventory of Welding Gear Issued to S. Steinbach Between 10/17/2017 and 12/2/2017 MAXION WHEELS 001668				
146.	Inventory of Welding Gear Issued to S. Steinbach Between Nov. 1, 2017 and June 8, 2018 MAXION WHEELS 002054-002055				
147.	Demonstrative Exhibit – Plaintiff Operation video				
148.	Demonstrative Exhibit – Spear Gun Operation video				
	All Deposition Exhibits				
	Exhibits Necessary for Rebuttal				
	Exhibits Listed by Plaintiff				
	All demonstrative exhibits prepared by Defendant				

## VI. Witnesses

### A. Plaintiff's witnesses:

1. Suzie Steinbach  
Plaintiff – may be contacted thru counsel
2. Landon Estes  
30337 Ironwood Ave., Warsaw MO 65355  
660-223-2840
3. Mike Lewis  
1523 E. 6th Street, Sedalia, MO 65301  
660-281-3407
4. Don Hill  
401 Myrtle Street PO Box 55, Lamonte MO 65337  
660-596-1719

5. Theresa Patton  
Current Maxion employee
6. Kenny Angle  
Current Maxion employee
7. Ralph Thomas  
223 Phelps  
Windsor, MO  
660-647-2677

B. Defendant's witnesses:

1. Theresa Patton, HR Supervisor
2. Angela Jones, Line Supervisor
3. Kenneth Angle, Operations Manager
4. Devin Nations, Process Leader
5. Ralph Thomas, Former Supervisor (Live or By Deposition)
6. Arlene Gilbert, Controller
7. Matthew Diederich, Former Rework Coordinator
8. Heidi Dixon, Benefits Specialist

**VII. Factual Issues**

A. Plaintiff's issues:

1. Whether defendant's assignment of plaintiff to spear off was retaliation for plaintiff's charge of discrimination and/or complaints of discrimination, retaliation or harassment.
2. Whether defendant's retaliation was outrageous either because of defendant's evil motive or reckless indifference to the rights of others, so as to make defendant liable for punitive damages.
3. The amount of plaintiff's damages.

B. Defendant's issues:

1. Whether plaintiff reasonably believed that she was being harassed/discriminated against based on her gender.
2. Whether plaintiff's assignment to the task of spearing was materially adverse such that a reasonable worker in the same or similar circumstances would be dissuaded from making or supporting a charge of discrimination.
3. Whether defendant assigned plaintiff to the task of spearing because plaintiff filed a charge with the Missouri Commission on Human Rights and the Equal Employment Opportunity Commission on February 2, 2018.
4. Whether plaintiff was damaged as a direct result of the alleged retaliation.
5. Whether defendant assigned plaintiff the task of spearing because of the staffing needs at the plant as an exercise of sound business judgment without regard to plaintiff's filing of a charge of discrimination with the Missouri Commission on Human Rights and the Equal Employment Opportunity Commission on February 2, 2018
6. Whether Plaintiff's claim for damages based on emotional distress are barred in whole or in part because her emotional distress was the result of other causes unrelated to her claim of retaliation.
7. Whether Defendant's alleged conduct was outrageous because of Defendant's evil motive or reckless indifference to the rights of others.

**VIII. Legal Issues**

A. Plaintiff's issues:

1. None.

B. Defendant's issues:

1. Whether Plaintiff's assignment to the task of spearing constitutes an adverse employment action as a matter of law.
2. Whether Plaintiff can establish a causal relationship between her charge of discrimination filed with the Missouri Commission on Human Rights and the Equal Employment Opportunity Commission on February 2, 2018 and her assignment to the task of spearing.
3. Whether a reasonable jury would have a legally sufficient evidentiary basis to find in favor of Plaintiff on her retaliation claim.

4. Whether a reasonable jury would have a legally sufficient evidentiary basis to find in favor of Plaintiff on her claim for punitive damages.
5. Whether Plaintiff's claim for damages are barred, in whole or in part, by the workers' compensation exclusive remedy under R.S.Mo. § 287.120(2).
6. Whether Plaintiff should be precluded from seeking damages for physical pain because she failed to disclose this element of damages in her Rule 26(a) disclosures.
7. Whether Plaintiff can recover damages for physical pain under the Missouri Human Rights Act.

## IX. Unusual Evidentiary Questions

### A. Plaintiff's unusual evidentiary issues:

1. The extent to which defendant can refer to or comment about plaintiff's separate lawsuit and/or worker's compensation claim. Doc.49, MILs 3 and 5.
2. Whether defendant can refer to plaintiff's application for Social Security disability benefits and/or plaintiff's receipt of short term disability benefits from The Hartford. Doc. 49, MIL 4.

### B. Defendant's unusual evidentiary issues:

1. Whether Plaintiff should be permitted to offer evidence related to her lawsuit pending in the Circuit Court of Pettis County, Missouri, *Steinbach v. Maxion Wheels Sedalia, LLC*, Case No. 18PT-CC00253. See Defendant's Suggestions in Support of Motion in Limine (Doc. 51) at Sec. II(A), pp. 3 – 6.
2. Whether Plaintiff should be permitted to offer evidence regarding the allegations of discrimination, harassment and retaliation on which she filed her first charge of discrimination with the Missouri Commission on Human Rights and the Equal Employment Opportunity Commission on February 2, 2018. See Defendant's Suggestions in Support of Motion in Limine (Doc. 51) at Sec. II(B), pp. 6 – 7.
3. Whether Plaintiff should be precluded from offering evidence of alleged racially derogatory comments. See Defendant's Suggestions in Support of Motion in Limine (Doc. 51) at Sec. II(C), pp. 7 – 8.

4. Whether Plaintiff should be precluded from offering lay opinion testimony that performing certain job duties while working for Defendant caused her physical injuries, required that she undergo surgery and eventually led to her disability. *See* Defendant's Suggestions in Support of Motion in Limine (Doc. 51) at Sec. II(D), pp. 8 – 9.
5. Whether Plaintiff should be precluded from offering evidence regarding the December 12, 2018 letter from the Missouri Division of Employment Security. *See* Defendant's Suggestions in Support of Motion in Limine (Doc. 51) at Sec. II(E), pp. 10 – 11.
6. Whether Plaintiff should be precluded from offering opinion, speculation and conclusory testimony that "Maxion wanted me gone" or that "Maxion ... retaliated by assigning me spearing on and spearing off." *See* Defendant's Suggestions in Support of Motion in Limine (Doc. 51) at Sec. II(F), p. 11.
7. Whether Plaintiff should be precluded from offering hearsay evidence that employees told her that "they are probably going to make your job so hard that you are either going to want to quit or they are going to lay you off."
8. Whether Plaintiff should be precluded from offering evidence that Defendant terminated her employment in retaliation for her filing a charge of discrimination with the Missouri Commission on Human Rights and the Equal Employment Opportunity Commission on February 2, 2018. *See* Defendant's Suggestions in Support of Motion in Limine (Doc. 51) at Sec. II(F), p. 11.



Date: August 27, 2020

Respectfully submitted:

/s/ Martin M. Meyers

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of August 2020, I caused the above and foregoing to be filed electronically using the Court's CM/ECF system which will provide electronic notification to the following parties of record for Plaintiff:

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